

### **REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated November 3, 2004 has been carefully received and its contents carefully reviewed.

Claims 1, 3, 5–7, 9–10, 14, 16, and 23 are hereby amended. Accordingly, claims 1–24 are currently pending. Reexamination and reconsideration of the pending application is respectfully requested.

In the Office Action, the Examiner objects to the Oath/Declaration due to lack of claim to priority; rejects claims 1–10 under 35 U.S.C. §101 for provisional statutory double patenting over U.S. Patent Application No. 09897804; objects to claims 6, 10, 14, 16, and 23 over language in the claims; provides an interpretation of claims 6 and 10, 13–16, 18, and 23–24; rejects claims 1–10 and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,210,704 to Hussein (hereinafter “Hussein”); rejects claims 11, 12, 17, and 20–22 under 35 U.S.C. § 103(a) as being unpatentable over Hussein as applied to claims 1, 3, 5, and 7, and further in view of U.S. Patent No. 6,427,132 to Bowman-Amuah (hereinafter “Bowman-Amuah”); rejects claims 13, 15, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Hussein as applied to claims 1 and 8, and further in view of U.S. Patent No. 6,591,171 to Ammar (hereinafter “Ammar”); rejects claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Hussein and Ammar as applied to claim 13 and further in view of Applicant’s Related Art (“ARA”); rejects claims 16 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Hussein as applied to claim 13, and further in view of ARA.

In the Office Action, the Examiner objects to the Oath/Declaration due to lack of claim to priority. In response, Applicant hereby submits a substitute declaration containing references to the Provisional Applications to which the present application claims priority.

In the Office Action, the Examiner rejects claims 1–10 under 35 U.S.C. §101 for provisional statutory double patenting over U.S. Patent Application No. 09897804. In response, Applicant chooses to prosecute the present application and allow the other application (No. 09897804) to go abandoned.

In the Office Action, the Examiner objects to claims 6, 10, 14, 16, and 23 over language in the claims. The Examiner objects to claims 6 and 10, in particular, the use of the term “translating,” for not being sufficiently clear. Applicant hereby amends claims 6 and 10, to recite “deriving a residual threshold corresponding to the residual of the variable.” Accordingly, Applicant respectfully submits that this amendment addresses the issue and requests that the Examiner withdraw the objection.

The Examiner objects to claims 14, 16, and 23 over the term “stationarity.” Applicant hereby amends claims 14, 16, and 23 to change “stationarity” to “stationary” and respectfully requests that the Examiner withdraw the objection.

The Examiner objects to claims 16 and 23 over the phrase “detecting time segments of stationarity.” Applicant hereby amends claims 16 and 23 to recite “time segments in which the variable includes stochastically stationary behavior,” and respectfully submits that this amendment addresses the objection.

In the Office Action, the Examiner provides an interpretation of claims 6 and 10, 13–16, 18, and 23–24. Respectfully, Applicant does not concede to any interpretations of the claims stated by the Examiner. Regarding the Examiner’s interpretation of claims 6 and 10, Applicant hereby amends these claims as described above, and respectfully submits that any interpretation of the pre-amended claims is moot. Regarding the Examiner’s interpretation of claim 18, Applicant respectfully submits that the limitation “a distinct value depending on the time of day, day of week, and week of month of the future time” is sufficiently clear on its face, and accordingly does not concede to any interpretation. Regarding the Examiner’s interpretation of claims 13–15 and 24, Applicant respectfully submits that the claims are sufficiently clear and does not concede to the limitations stated by the Examiner. For example, the Examiner characterizes the window such that it “will be of a specified size.” Applicant does not abide by such limitation. Regarding the Examiner’s interpretation of claims 16 and 23, Applicant respectfully submits that these claims are hereby amended, and that any interpretation of these claims in their pre-amended form is moot.

In the Office Action, the Examiner rejects claims 1–10 and 19 under 35 U.S.C. § 102(b) as being anticipated by Hussein. Applicant respectfully traverses the rejection of

independent claim 1 and requests reconsideration because claim 1, as amended, recites “a plurality of residuals corresponding to different time reference points in the future based on the statistical model.” Nothing in Hussein teaches or suggests at least this feature of the claimed invention. Accordingly, Applicant respectfully submits that claim 1, and claims 2 and 11–15, which depend from claim 1, are allowable over Hussein.

Applicant respectfully traverses the rejection of independent claims 3 and 7 and requests reconsideration. Independent claim 3 and 7, as amended, recite “computing a plurality of residuals corresponding to different time reference points in the future based on the model parameters.” Nothing in Hussein teaches or suggests at least this feature of the claimed invention. Accordingly, Applicant respectfully submits that claim 3, and claims 4–6 and 16–20, which depend from claim 3, and claim 7, and claims 8–10 and 24, which depend from claim 7, are allowable over Hussein.

Applicant respectfully traverses the rejection of claim 6 and 10 and requests reconsideration. Claims 6 and 10, as amended, recite “deriving a residual threshold corresponding to the residual of the variable.” Nothing in Hussein teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submit that claims 6 and 10 are allowable over Hussein.

In the Office Action, the Examiner rejects claims 11, 12, 17, and 20–22 under 35 U.S.C. § 103(a) as being unpatentable over Hussein as applied to claims 1, 3, 5, and 7, and further in view of Bowman-Amuah. Applicant respectfully traverses the rejection and requests reconsideration in that Bowman-Amuah fails to cure the deficiency of Hussein to teach or suggest “a plurality of residuals corresponding to different time reference points in the future based on the model parameters.” Accordingly, Applicant respectfully submits that claims 11, 12, 17, and 20–22 are allowable over the cited references.

In the Office Action, the Examiner rejects claims 13, 15, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Hussein as applied to claims 1 and 8, and further in view of Ammar. Applicant respectfully traverses the rejection and requests reconsideration because Ammar fails to cure the deficiency of Hussein to teach or suggest “a plurality of residuals corresponding to different time reference points in the future based on the model parameters.”

Application No.: 09/902,094  
Amendment filed on February 3, 2005  
Reply to Office Action dated November 3, 2004

Docket No.: 8827.012.00-US

Accordingly, Applicant respectfully submits that claims 13, 15, and 24 are allowable over the cited references.

In the Office Action, the Examiner rejects claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Hussein and Ammar as applied to claim 13 and further in view of ARA. Applicant respectfully traverses the rejection and requests reconsideration. Ammar and ARA fail to cure the deficiency of Hussein to teach or suggest the aforementioned feature of claim 1. Accordingly, Applicant respectfully submits that claim 14 is allowable over the cited references.

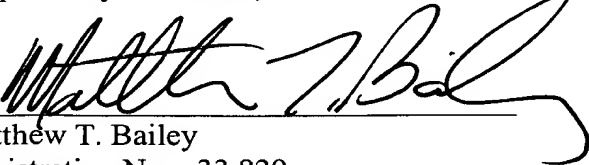
In the Office Action, the Examiner rejects claims 16 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Hussein as applied to claim 13, and further in view of ARA. Applicant respectfully traverses the rejection and requests reconsideration. Claims 16 and 24 respectively depend from amended independent claims 1 and 7. ARA fails to cure the deficiency of Hussein to teach or suggest the features of claims 1 and 7 discussed above. Accordingly, Applicant respectfully submits that claims 16 and 24 are allowable over the cited references.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: February 3, 2005

Respectfully submitted,

By   
Matthew T. Bailey  
Registration No.: 33,829  
MCKENNA LONG & ALDRIDGE LLP  
1900 K Street, N.W.  
Washington, DC 20006  
(202) 496-7500  
Attorneys for Applicant